IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

LA.App..No. 484 of 2006()

LAR.270/2000 of PRL.SUB COURT, KOZHIKODE
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APPELLANT: CLAIMANT

K.T.AYYAPPAN, S/O.MAYYAN,
KUNNATHU THAZHAM, NELLIKODE, P.O.CHEVARAMBALAM,
KOZHIKODE.

BY ADV. SRI.JACOB ABRAHAM

RESPONDENTS:
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1. THE SPECIAL TAHSILDAR (L.A),
N.H.I, KOZHIKODE.

2. THE EXECUTIVE ENGINEER,
N.H.DIVISION, KOZHIKODE.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR,JJ.

L.A.A.No. 484 of 2006

Dated this the 8th day of June, 2007

JUDGMENT

Kurian Joseph,J.

This is an appeal at the instance of the claimant in L.A.R.No.270/2000. The acquisition is for the purpose of Calicut Bye-Pass. The Land Acquisition Officer awarded a compensation of Rs.12,417.86 per cent. Compensation in respect of other heads were also given for structures. According to the appellant, he had claimed Rs.75,000/- per cent. However, the reference court awarded only Rs.20,000/- per cent. It is submitted that atleast an amount of Rs.50,000/- ought to have been fixed as the land value. It is seen from the judgment of the reference court that Rs.20,000/- per cent has been fixed as land value based only on conjunctures and surmises. Though an attempt was made to persuade the court to rely on the judgment and decree in L.A.R.No.168/2000, the reference court declined to entertain the request on the ground that the relied on judgment in L.A.R.No.168/2000, namely L.A.R.No.479/1997, had not become

final. L.A.R.No.479/1997 has in the meanwhile become final by the judgment of this court in L.A.A.No.774/2006 wherein this court has sustained the fixation of land value at the rate of Rs.60,000/- per cent for wet land. Thus the land value in L.A.R.No.479/1997 having become final and the same has been followed in the appeal filed against L.A.R.No.168/2000 this appeal at the instance of the claimant is only to be allowed. It is seen that the claimant has limited the land value to Rs.50,000/- per cent for the purpose of court fee in the appeal. Therefore, the appeal is allowed holding that the appellant-claimant will be entitled to fixation of market value at the rate of Rs.50,000/- per cent along with all statutory benefits.

(KURIAN JOSEPH, JUDGE)

(T.R.RAMACHANDRAN NAIR, JUDGE)

ahg.